

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

04 Cr. 801 (PKC)

-against-

CONRAD COOPER,

ORDER

Defendant.

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CONRAD COOPER,

Petitioner,

11 Civ. 3054 (PKC)

UNITED STATES OF AMERICA,

Respondent.

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CASTEL, District Judge:

The procedural posture of the post-verdict and appellate proceedings relating to Mr. Cooper since his conviction in 2004 through early 2013 are set forth in my Memorandum and Order of January 4, 2013. (Doc 641 in 04 cr 801.) That history is supplemented by this Court's Orders of August 2, 2018 and March 11, 2019, as well as the two Mandates of the Court of Appeals of April 15, 2019 and November 19, 2019. (Docs 734, 738, 744 & 759 in 04 cr 801.)

Mr. Cooper has moved under Rule 15, Fed. R. Civ. P., to amend his section 2255 motion. (Doc 774 in 04 cr 801.) The motion is denied because there is no pending section 2255 motion and any new section 2255 motion would be a successive one.

Petitioner has not made a substantial showing of the denial of a constitutional right and, accordingly, a certificate of appealability will not issue. 28 U.S.C. § 2253; see Lozada v. United States, 107 F.3d 1011, 1016-17 (2d Cir. 1997), abrogated on other grounds by United

States v. Perez, 129 F.3d 255, 259-60 (2d Cir. 1997). This Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith and in forma pauperis status is denied. See Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: New York, New York
October 30, 2020



P. Kevin Castel
United States District Judge